

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

AARON GRANDBERRY,

Plaintiff,

v.

Case No. 19-cv-546

TERRY KISER,

Defendant.

ORDER

Pro se plaintiff Aaron Grandberry filed a complaint under 42 U.S.C. § 1983. On March 20, 2020, the defendant filed a motion for summary judgment. (ECF No. 27.) Grandberry's response materials were due June 19, 2020. (ECF No. 31.) According to the court's records, Grandberry has not responded to the motion. Grandberry's failure to respond suggests that he does not oppose the motion.

The court will give Grandberry a final opportunity to file his response materials. If he does not do so by the deadline below, or explain why he is unable to do so, the court will grant the motion and dismiss the case with prejudice and without further notice or hearing. *See* Civil L. R. 7(d) ("Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion."); *see also* Civil L. R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.").

As a reminder, if Grandberry responds to the motion, he must respond to each of the defendant's proposed findings of fact (ECF No. 29) by agreeing with each proposed fact or explaining why he disagrees with a particular fact. If he does not indicate one way or the other, the court will assume that he agrees with the proposed fact. Grandberry must support every disagreement with evidence. He can do that by relying on documents or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. Grandberry must also respond to the legal arguments in the defendant's brief (ECF No. 28).

IT IS THEREFORE ORDERED that, on or before **July 6, 2020**, Grandberry shall either respond to the defendant's motion for summary judgment or file a letter explaining why he is unable to do so. If Grandberry fails to comply with this order, the court will grant the defendant's motion for summary judgment and dismiss this case without further notice or hearing.

Dated at Milwaukee, Wisconsin this 22nd day of June, 2020.

BY THE COURT:

s/Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge

¹ At the bottom of his declaration he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. § 1746(2).